

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**DONNELL DEVON SMITH,**

**Petitioner,**

**v.**

**JUSTIN JONES, et al.,**

**Respondents.**

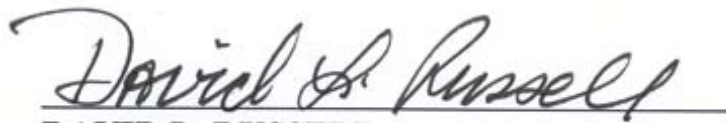
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**Case No. CIV-12-1345-R**

**ORDER**

Before the Court is the Report and Recommendation of United States Magistrate Judge Shon T. Erwin entered February 1, 2013. Doc. No. 8. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Nor has Petitioner paid the \$5.00 filing fee. Therefore, the Report and Recommendation of the Magistrate Judge is ADOPTED, Petitioner's application to proceed in district court without prepaying fees or costs [Doc. No. 2] is DENIED and unless Petitioner pays the \$5.00 filing fee in full to the Clerk of the Court within twenty (20) days of the date of this Order, this case will be dismissed without prejudice to refiling.

IT IS SO ORDERED this 20th day of February, 2013.

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**